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APPLICATION	NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/667,894 09/23/2003		09/23/2003	Frank G. McArthur	NAIR-001	NAIR-001 8640	
21884	7590	09/19/2005		EXAMINER		
WELSH & FLAXMAN LLC 2000 DUKE STREET, SUITE 100				FARAH, AHMED M		
ALEXANDRIA, VA 22314		-		ART UNIT	PAPER NUMBER	
·				3739	3739	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/667,894	MCARTHUR ET AL.		
Examiner	Art Unit		
Ahmed M. Farah	3739		

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	Ahmed M. Farah	3739			
The MAILING DATE of this communication appe	ars on the cover sheet with the c	orrespondence add	lress		
THE REPLY FILED <u>17 August 2005</u> FAILS TO PLACE THIS A	PPLICATION IN CONDITION FOR	ALLOWANCE.			
The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods:	wing replies: (1) an amendment, aff stice of Appeal (with appeal fee) in (idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)		
a) The period for reply expires 3 months from the mailing date	e of the final rejection.				
The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.					
Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	06.07(f).				
Extensions of time may be obtained under 37 CFR 1.136(a). The date nave been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office laternay reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The approprinally set in the final Offi	iate extension fee ice action; or (2) as		
The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed.	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th			
<u>AMENDMENTS</u>					
3. The proposed amendment(s) filed after a final rejection,			ecause		
(a) They raise new issues that would require further co	•	IE below);			
(b) ☐ They raise the issue of new matter (see NOTE belo (c) ☐ They are not deemed to place the application in beauppeal; and/or	•	ducing or simplifying	the issues for		
(d) They present additional claims without canceling a		ected claims.			
NOTE: (See 37 CFR 1.116 and 41.33(a)). The amendments are not in compliance with 37 CFR 1.1		maliant Amandment	(DTOL 324)		
5. Applicant's reply has overcome the following rejection(s)		impliant Amenument	(FTOL-324).		
Applicant's reply has overcome the following rejection(s)Newly proposed or amended claim(s) would be a		timely filed amendme	ent canceling the		
non-allowable claim(s).	nowable ii subiliitted iii a separate,	amery med ameriana	one canceling the		
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:	☐ will not be entered, or b) ⊠ wi vided below or appended.	ll be entered and an e	explanation of		
Claim(s) allowed:					
Claim(s) objected to:					
Claim(s) rejected: <u>1-15</u> . Claim(s) withdrawn from consideration:					
AFFIDAVIT OR OTHER EVIDENCE	·				
The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e).					
The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome all rejections under appe	al and/or appellant fa	ils to provide a		
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attacl	hed.		
11. The request for reconsideration has been considered bu	ut does NOT place the application in	n condition for allowa	nce because:		
12. Note the attached Information Disclosure Statement(s). 13. Other:	(PTO/SB/08 or PTO-1449) Paper N	lo(s)			
		A. Farah,	1.		
		Primary Examiner, August 16, 2005	AU: 3739/		

U.S. Patent and Trademark Office PTOL-303 (Rev. 7-05) Art Unit: 3739

Attachment to the Advisory Action

In page 6 the amendment filed on August 17, 2005 (see page 2 of the Remarks section), the applicant requested that the Examiner specifically cite the section of the specification in which McDaniel discloses a dosage range of between 0.1-100J/cm2 as described in the prior Office Actions.

In response to this request, Examiner directs the applicant's attention to col. 13, lines 65-66 of McDaniel, U.S. Patent No. 6,676,655.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahmed M. Farah whose telephone number is (571) 272-4765. The examiner can normally be reached on Mon-Thur. 9:30 AM-7: 30 PM, and 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eleni Mantis-Mercader can be reached on (571) 272-4740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval

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Ahmed M Farah Primary Examiner Art Unit 3/7/9

August 16, 2005